

REMARKS

The undersigned thanks Supervisor Thibodeau and Examiner Uhlir for the interview of December 10, 2003. The official USPTO file on this case was not available to the Examiners, so the interview was conducted on the basis of the documents in the Applicants' file.

The Supervisor reviewed the Supplemental Response filed on November 6, 2003, in particular the paper of Deiter Weller, who Examiner Uhlir acknowledged is highly regarded in the field of magnetic recording. Deiter Weller is not an inventor on this application, but he is also an employee of the assignee of this application. However, he did not write his article in light of the pending application. The Examiners agreed that Deiter Weller's article is unbiased as it relates to this application.

The Supervisor asked the undersigned to re-submit the arguments made in the Supplement Response filed on November 6, 2003, because he did not have a copy of the previous Response and Deiter Weller's article. Instead of re-submitting the arguments, the undersigned is re-submitting the previous Response and Deiter Weller's article with this Amendment.

During the interview, the undersigned first explained that the Examiner's statement that "the sigma/mean of a layer *depends on* the mean grain size of the layer" (emphasis added) in the line 1 of page 3 of the Advisory Action of November 17, 2003, is a "fallacy" which persons of ordinary skill in this art would readily recognize. For example, the sigma/mean of a large number of round glass particulates each having substantially the same diameter would be close to zero. If these glass particulates are crushed into smaller particles, the mean of the smaller particles would definitely be less than the mean of the particulates but the sigma/mean of the smaller particles would be more, *not* less, than the sigma/mean of the particulates because of the

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random variations in the sizes of the smaller particles formed by crushing. In short, there is *no co-relationship* between the sigma/mean and the mean of particulates such that one could predict *a priori* if the sigma/mean would increase or decrease with a decrease in the mean of the particulates. The Examiners recognized this point.

The undersigned then asked Examiner Uhlir to point out where in the cited references there is *any* disclosure on how the sigma/mean of the grains of a seedlayer would vary with oxidation of the seedlayer. The Examiner admitted that there is *no* such disclosure.

The undersigned then asked Examiner Uhlir that if the cited prior art does not disclose how the sigma/mean of the grains of a seedlayer would vary with oxidation of the seedlayer, then how are the results of sigma/mean shown in Table 1 of the specification "expected" over the disclosure of the prior art as has been asserted by the Examiner in the Advisory Action of November 17, 2003. Finally, Examiner Uhlir admitted that the results in Table 1 showing a decrease in the sigma/mean of the oxidized seedlayer versus an unoxidized seedlayer would have been *unexpected results*, which is the position he previously adopted in the Action of September 2, 2003, wherein the Examiner states that "the corrosion resistance and grain size distribution of a recording medium is improved" by this invention. The Examiner now argued that the scope of claim 1 is not commensurate with the unexpected results.

At this point, the undersigned objected and said that the Examiner is raising a new ground for rejection after final. The undersigned said that if the Examiner wants to raise a new ground for rejection, he should first withdraw the final rejection and issue a new Action. However, in

order to expedite the prosecution of this case, the undersigned proposed an amendment similar to that made in this Amendment.<sup>1</sup>

Supervisor Thibodeau suggested that the undersigned should file a Supplemental Amendment/Response and he agreed to enter this Amendment if it would place this application into allowance or would minimize issues on appeal.

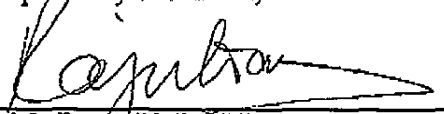
In light of the unexpected results shown by the Applicants, a Notice of Allowance is respectfully solicited.

In the event that the transmittal letter is separated from this document and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 146712001300.

Respectfully submitted,

Dated: December 10, 2003

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<sup>1</sup> The limitation proposed during the interview was "wherein the medium has a lower sigma/mean than a similar medium with an unoxidized seedlayer" as stated in the Interview Summary. However, this limitation is not exactly correct because it is the sigma/mean of the grains of the seedlayer that is reduced as shown in Table 1 and clarified in lines 7-9 on page 16 of the specification.